

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: February 23, 2009

**SUBJECT: AGENDA REPORT**

---

**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Industrial Development Authority
  2. Parks & Recreation Commission
  3. Planning Commission
  4. Planning District Commission
  5. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. DELEGATIONS**

**A. Montgomery-Floyd Regional Library FY 2009-2010 Budget Presentation**

Bob Benoit, MFRL Chair and Paula Alston, Library Director, will present Montgomery-Floyd Regional Library's FY 2009-2010 Budget.

**B. Other Post Employment Benefits**

David Boomershine from Boomershine Consulting Group, LLC, will present an analysis of the County's post employment benefit liability as required by auditing standards. ( See TAB   A   )

## VIII. PUBLIC HEARINGS

### A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on January 28, 2009 and February 4, 2009:

1. Special Use Permit – Two Way Radio, Inc.

**A request by Two Way Radio, Inc (Agent: Clayton Hodges) for a Special Use Permit (SUP) on approximately 0.52 acres in a General Business (GB) zoning district to allow a contractor service establishment.** The property is located at 310 Ferguson Drive, and is identified as Tax Parcel No(s). 67-4-3 (Acct No. 002520), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan. See TAB B.

2. Special Use Permit – MSH of VA, LLC

**A request by MSH of VA, LLC (Agent: Larry Smith) for a Special Use Permit (SUP) on approximately 1.924 acres in a Community Business (CB) zoning district to allow farm machinery sales and service and feed and seed store.** The property is located at 4338 Prices Fork Road, and is identified as Tax Parcel No(s). 51-A-101, 101A (Acct No. 013755), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as the Village of Prices Fork in the Comprehensive Plan. See TAB C.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on February 11, 2009 and February 18, 2009.

3. Special Use Permit Amendment – Oak Forest MHC, LLC

**A request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) for an amendment of a Special Use Permit (SUP) approved on February 23, 2004 by the Board of Supervisors.** The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan. See TAB D.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on February 8, 2009 and February 15, 2009.

**4. Joint Economic Development and Growth Sharing Agreement**

**Joint Economic Development and Growth Sharing Agreement with the Town of Christiansburg, providing for the sharing of revenues from the meals and transient lodging taxes collected by the Town of Christiansburg within the revenue sharing areas more fully described as the 47.966 acres located in the Mid-County area of Montgomery County more precisely shown on the Plat of Survey of Revised Corporate Line for the Town of Christiansburg located in the Shawsville Magisterial District, Montgomery County, Virginia, incorporated in said Growth Sharing Agreement. See TAB E.**

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: BOUNDARY LINE ADJUSTMENT  
AGREEMENT WITH THE TOWN OF  
CHRISTIANSBURG – HARKRADER  
PROPERTY**

**R-FY-09-  
RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF MONTGOMERY, VIRGINIA,  
AFFIRMING A BOUNDARY LINE ADJUSTMENT AGREEMENT  
BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA AND  
THE TOWN OF CHRISTIANSBURG, VIRGINIA, AND  
AUTHORIZING THE FILING OF A JOINT PETITION PURSUANT TO  
SECTION 15.2-3106, ET SEQ., OF THE CODE OF VIRGINIA, 1950, AS AMENDED  
TO APPROVE THE AGREEMENT**

WHEREAS, The County of Montgomery, Virginia and the Town of Christiansburg, Virginia have entered into negotiations regarding a voluntary change of the boundary line between them for the purpose of incorporating within

the Town approximately 170.318 acres of the land located on the Town's southwest boarder adjacent to Buffalo Drive and Mud Pike Road commonly known as the Christiansburg Middle School Property, the Harkrader Sports Complex and the former Harkrader Property; and

WHEREAS, The incorporation of the 170.318 acres into the Town will not adversely affect the ability of the County to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, The proposed changes of the boundary line between the County and the Town will further the interest of the Commonwealth of Virginia in promoting the orderly growth and the continued viability of its local governments.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that:

1. The Board of Supervisors of the County of Montgomery, Virginia, hereby approves the Boundary Line Adjustment Agreement between the County of Montgomery and the Town of Christiansburg, (the "Agreement"), a copy of which is attached hereto and hereby authorizes and directs its Chair Annette S. Perkins to execute the Agreement on behalf of the County.

2. The County Administrator and County Attorney are hereby directed to petition the Circuit Court of Montgomery County, Virginia, to affirm and validate the Agreement and to establish the new boundary line between the County and Town pursuant to Section 15.2-3106 et seq., of the Code of Virginia, 1950, as amended.

ISSUE/PURPOSE: Resolution approving the Boundary Adjustment Agreement with the Town of Christiansburg.

JUSTIFICATION: See TAB H for a copy of the Boundary Adjustment Agreement and the Boundary Adjustment Plat.

### **XIII. NEW BUSINESS**

**A. SUBJECT: RESOLUTION APPROVING A  
MEMORANDUM OF UNDERSTANDING FOR  
THE CREATION OF A WORKING GROUP  
FOR THE NEW RIVER VALLEY 911  
EMERGENCY COMMUNICATION CENTER  
AND TRANSFER FROM GENERAL  
CONTINGENCIES (The Balance in General  
Contingences before approval of this Resolution  
is \$364,400)**

**R-FY-09-  
RESOLUTION APPROVING A  
MEMORANDUM OF UNDERSTANDING  
FOR THE CREATION OF A WORKING GROUP FOR THE  
NEW RIVER VALLEY 911 EMERGENCY COMMUNICATION CENTER  
AND A TRANSFER FROM GENERAL CONTINGENCIES**

WHEREAS, The County of Montgomery, the Towns of Blacksburg and Christiansburg, and Virginia Polytechnic Institute and State University (“Virginia Tech”) have joined together for the purpose of establishing a Working Group to study whether it is technically, practically, and economically feasible to establish a regional 911 emergency center and radio system serving the jurisdictions of the signatory entities; and

WHEREAS, The law enforcement agencies for the respective signatory entities have received a Virginia Information Technologies Agency (VITA) feasibility study grant in the amount of \$85,000; and

WHEREAS, The VITA grant will fund a feasibility study to determine if it is technically feasible to create a 911 emergency communication center and radio system for use by all the entities represented in the Working Group and the City of Radford and Radford University ( the “Feasibility Study”), and such Feasibility Study report should be completed by summer 2009; and

WHEREAS, The entities of the Working Group desire to move forward on a parallel tract while the Feasibility Study is conducted and employ a Consultant to start the ground work necessary and develop a Study (“the Study”) to determine what is necessary to create and establish a 911 Emergency Communication Center Authority or similar legal entity (“the 911 Authority”); and

WHEREAS, It is anticipated by the Working Group that the cost of hiring the Consultant to start the groundwork necessary to create and establish the 911 Authority or similar legal entity is going to cost the Working Group approximately One Hundred Thousand Dollars (\$100,000) total; and

WHEREAS, The purpose of the Memorandum of Understanding is to establish an understanding between the members of the Working Group that addresses the employment of the Consultant, the scope of work and Study to be performed by the Consultant, and cost sharing between the members of the Working Group.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to sign the Memorandum of Understanding for the Creation of a Working Group for the New River Valley 911 Emergency Communication Center.

FURTHER BE IT RESOLVED, That a General Fund transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingences	(\$25,000)
-----	----------------------	------------

TO:

910	Outside Agencies	\$25,000
	New River Valley 911 Emergency Communications Center	

Said resolution authorizes signing the Memorandum of Understanding and transfers funds from General Contingencies to cover the cost of the County's share of hiring a consultant to study the creation of a 911 Emergency Communication Center.

ISSUE/PURPOSE:

Resolution approving a Memorandum of Understanding for the creation of a Working Group for the New River Valley 911 Emergency Communications Center and transfers the County's share for the hiring of a Consultant.

JUSTIFICATION:

At the February 9, 2009 meeting, the County Administrator reported that representatives for Montgomery County, Towns of Blacksburg and Christiansburg, City of Radford, Radford University and Virginia Tech have been meeting to discuss the feasibility of creating a 911 Authority or similar legal entity.

Both the County Administrator and the Sheriff recommend the approval of the MOU to allow the County to proceed with the investigation and planning for establishment of a 911 Authority or similar legal entity.

See TAB I for a final copy of the Memorandum of Understanding. (The document was revised since the February 9, 2009 meeting at the suggestion of the Town of Blacksburg to include a reference to a 911 Authority or “similar legal entity.”)

**B. SUBJECT: RESOLUTION APPROVING THE PROPERTY LINE ADJUSTMENT FOR THE NEW ELLISTON-SHAWSVILLE ELEMENTARY SCHOOL SITE**

**R-FY-09-  
RESOLUTION APPROVING THE PROPERTY LINE ADJUSTMENT FOR  
THE ELLISTON/SHAWSVILLE ELEMENTARY SCHOOL PROPERTY SITE  
OWNED BY THE BOARD OF SUPERVISORS AND  
THE ADJOINING PROPERTY OWNED BY FOTHERINGAY, LLC**

WHEREAS, The Board of Supervisors purchased twenty acres from Fotheringay, LLC for the purpose of constructing a new elementary school in the Elliston/Shawsville area of Montgomery County; and

WHEREAS, Due to some minor changes in the design of the access road and the need to obtain 0.23 acres to locate a sewer pump station, the Board of Supervisors and Fotheringay, LLC have agreed to a Property Line Adjustment between the Parties whereby each party conveys 0.14 acres to the other party and Fotheringay, LLC agrees to convey an additional 0.230 acre parcel to locate a sewer pump station; and

WHEREAS, The Property is to be conveyed by a Deed between the Parties and by Plat entitled “A Plat of Boundary Line Adjustment Minor Subdivision Right of Way Dedication and Right of Way Vacation of Tax Parcels 72 (1) 56 and 72 (1) 56A for the Montgomery County Board of Supervisors (“Property Line Adjustment Plat”); and

WHEREAS, The Board of Supervisors hereby approves of the Deed and Property Line Adjustment Plat conveying 0.14 acres to Fotheringay, LLC and



accepting from Fotheringay, LLC, 0.14 acres in return and the 0.230 acre pump station lot.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery that the Board hereby approves of the Deed and the Property Line Adjustment Plat with Fotheringay, LLC conveying 0.14 acres to Fotheringay, LLC and accepting from Fotheringay, LLC 0.14 acres in return and the 0.230 acre pump station lot, and authorizes its Chair Annette Perkins to sign the Deed and Property Line Adjustment Plat on behalf of the Board of Supervisors.

ISSUE/PURPOSE: Approve the Deed and the Property Line Adjustment Plat. See TAB **J** for a copy of the Deed and Plat of the Property Line Adjustment Plat.

**C. SUBJECT: FINAL PLAT – KENSINGTON SUBDIVISION  
PHASE II**

**R-FY-09-  
FINAL PLAT  
KENSINGTON SUBDIVISION PHASE II**

WHEREAS, Kensington Subdivision Phase 2 consisting of twenty-four (24) new lots in the unincorporated area of Montgomery County has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Kensington Subdivision Phase 2 has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Kensington Subdivision Phase 2 (Balzer and Associates, Inc. Job No. B0600045.00 dated 09/11/08), Riner Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

ISSUE/PURPOSE: Approval and authorization for the Chairman to sign Final Plat on behalf of the county.

JUSTIFICATION: Kensington Subdivision Phase 2 consists of twenty-four 24) new lots. All lots are to be served by public water and sewer provided by the Town of Christiansburg. It is a major subdivision and was approved by the Planning Commission on February 11, 2009. See TAB **K** for Final Plat.

#### **XIV. INTO WORK SESSION**

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Planning Commission and Board of Zoning Appeals Annual Report  
Bob Miller, Planning Commission Chair and Rick DiSalvo, BZA Chair, will present the report. (See TAB **L** )
2. FY 2009-2010 Budget Update (See TAB **M** )

#### **XV. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends the Work Session to return back to Regular Session.

#### **XVI. COUNTY ATTORNEY'S REPORT**

## **XVII. COUNTY ADMINISTRATOR'S REPORT**

## **XVIII. BOARD MEMBERS' REPORT**

1. Supervisor Brown
2. Supervisor Marrs
3. Supervisor Biggs
4. Supervisor Politis
5. Supervisor Muffo
6. Supervisor Creed
7. Supervisor Perkins

## **XIX. OTHER BUSINESS**

## **XX. ADJOURNMENT**

### **FUTURE MEETINGS**

Regular Meeting  
Monday, March 9, 2009  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, March 23, 2009  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda